

Princess Samantha Kennedy
Adam Clayton Ulrich
777 Seacoast Drive, #N
Imperial Beach, California
619-816 6045

FILED
12 OCT 26 PM 2:58

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Princess Samantha Kennedy,
Adam Clayton Ulrich
Plaintiffs
v.

Civil No. 12CV0372WQH WMC

Paramount Pictures Corporation
Defendant

Amended Pleading

Jurisdiction And Venue

1. This is an action for copyright infringement arising under the Copyright Laws of the United States Title 17 U.S.C. § 101-104 et. Seq. This court has jurisdiction of this action under 28 U.S.C. § 1331, 1338 and under its supplemental jurisdiction. 820 Copyrights.

2. Venue is proper in this district under 28 U.S.C. § 1391 abd 1400.

Parties

3. Plaintiffs Princess Samantha Kennedy and Adam Clayton Ulrich are private citizens. Plaintiff Princess Samantha Kennedy works for the State of California since 1993 as a home health care provider through

The Department of Social Services for almost 20 years and job requires F.B.I. Background Check. Her job and Dept. IHSS care of the health and safety of The Disabled and The Elderly Citizens of The County of San Diego and the State of California. She is freelance writer, publishing works in almost a dozen hardbound anthologies of Poems. She has been honored three years in a row in the 90's by The City of San Diego, Library + Mayor at the Author's Exhibit with medallions. Plaintiff Kennedy is also a physically disabled person and an Honorary Ambassador. Plaintiff Adam Clayton is a disabled Autistic Citizen. He has been on SSI and Medi-Cal for income. He was honored by President Bill Clinton in the 90s for his environmental efforts and NBC News did a story on television. Adam won a medal in running at the Special Olympics at Kate Session School, the military was there and had a soldier to run with each child. Plaintiffs reside in Imperial Beach, California. Plaintiff sued Defendant in 90s for "Forrest Gump."

4. Defendant Paramount Pictures is a rich billion dollar Corporation and is doing business in the State of California, County of Los Angeles.

2.

12CV0372 WQH WMC
Amended Pleading

BACKGROUND FACTS

5. Copyrights, contracts and related laws all protect aspects of what people call "ideas." Following are the ins and outs of these laws, to help one take the right measures up front to safeguard their original ideas. Copyright protects original "works of authorship," that is, original expression the author fixes in tangible form, such as words penned on paper or saved to disk, images captured in photos or drawings, and sounds and music recorded on tape or CD. Copyright guards these works not only against copying and adaptation, but also against public sale, performance and display without consent of the copyright owner. Section 102(b) of the Copyright Act states that copyright protection does not extend to any idea, procedure, process, system, method of operation, concept, principle or discovery... But this leaves undone a tricky task: drawing the line between a work of authorship and the ideas embodied in that work. That may sound easy, but it has plagued copyright lawyers for centuries and produces a surprising array of copyrightable works that one might have assumed were unprotected ideas. The key is understanding that copyright doesn't stop at your words, but protects any original expression in your work, including detailed outlines, plots and characters. In the case of Jerome and Laurie Metcalf versus Steven Bochco, the Court would not dismiss the copyright claim,

finding "articulable similarities between the plot, themes, dialogue, mood, setting, pace, characters and sequence of events." If one gives an editor a detailed summary or full manuscript - as opposed to a two-paragraph description of one's idea - the publisher's use of one's themes, mood and sequence of events may infringe one's copyright in one's original expression. Another hidden strength of copyright law is that it protects original characters. Most courts have granted copyright protection to original, well-developed characters like Jack, "he was moving from place to place" as an artist who falls in love with a woman promised to another, whose love's mother hates him and wants to destroy him, who attends a dinner party, but, he is poor, he is aboard a boat/ship, later he is handcuffed while she is searching for keys, he sees the Diamond & the safe full of cash, he plays the card game that was "like winning the lottery", we see Titanic, later he is handcuffed, we see a shooting and suicide, a comet, and he dies of "hypothermia", any movie corporation, any publisher who reproduces a substantially similar character without one's or my permission may be infringing my copyrights. my character; "he was moving from place to place" as an artist who falls in love with a socialite who is promised to another, whose love's mother hates him and wants to destroy him, we see Titanic-I 4. 12cv0372 WQH WMC write of.

Amended Pleading

mine- who attends a dinner party and they make a toast, but he is poor, he is aboard a boat/ship, later he puts the necklace in his pocket, gives a note to Rose, they meet at the clock, later he is handcuffed and she is searching for the keys, we see a shooting in the water, a suicide of an officer, we see a comet or they see a comet shooting star, he has "hypothermia", he dies, we see her go up the stairs. Very similar between my unpublished biographies and the motion picture Titanic. Characters in my writings include Jack, Rose, Lucy, Marvin, Mary Jane (my great-grandmother) all appear in Titanic, I have Titanic, the card game and winning ticket, the artist drawing the girl, girl on the pier, the inspection, playing the card game with men with different accents, from Eastern Europe, Russian, Cal's temper tantrum at breakfast, the map, the suicide, the little girl he picks up and carries to the vessel, the woman in white gown, floating, money put into the pocket, the Diamond, Louis The Sixteenth, the beheading, Losing his head from the neck up, all appear in movie, but, not limited to, the girl in the car, cab.

6. Prior to April, 1993, Plaintiff created three work in progress scripts for an original motion picture entitled, "My Daddy

5. IACV0372 WQH WMC
amended Pleading

"Was A Whistleblower," (we see Rose blowing The Whistle), copyrighted April 5, 1991 (bears registration number TXu 464-805), "Missing Pieces," copyrighted September 6, 1991 (bears registration number PAu 548-413) and "My Daddy Was A Whistleblower" was registered with Writers Guild of America, West, Inc. on May 21, 1991. "Missing Pieces" was registered with the Writers Guild of America, West, Inc. on Sept. 4, 1991. The Third manuscript entitled, "My Daddy Was A Whistleblower," a 417 page unpublished biography Novel that included "Titanic" in a small paragraph put in storage and forgotten (Plaintiff seen movie recently on cable, filed lawsuit February 10, 2012, & then plaintiffs saw Titanic for first time in its New Release on April 16, 2012; Now it has been released again on Blu Ray with "2 1/2 hours of additional Never before seen" on Blu-Ray DVD, 3D. The 417 page "My Daddy Was A Whistleblower," was recieved by the Copyright Office at The Library of Congress on May 10, 1993 and was delayed, and it included United States Hearings in this novel, but, effective date of registration is May 10, 1993. (bears registration number TXu 583-376) All three works that included a synopsis, a screenplay and a novel were all written under my legal name Teresa K. Ulrich and the novel under my pen name Terry Ulrich.

b. 12cv0372 WQH WMC
 amended Pleading

7. Teresa K. Ulrich was my legal married name and the novel written under my pen name Terry Ulrich. Plaintiff in April, 1994 changed her legally to a family name Teresa Samantha Kennedy, then changed again legally in April 8, 2011, dropping Teresa and adding Princess, to Princess Samantha Kennedy (my mother and relatives always called me Princess) I changed in honor of my mother and to match up with all papers and driver's license. That mother, natural mother and adopted mother always called me Princess and told me I am related to The Royal Family and that Prince Philip, The Duke of Edinburgh is my natural father, that it is in Government private papers that he is natural father, that I did not know these facts in full until Her Majesty in 1997 invited me to England and she made me founding member of The American Air Museum in Great Britain. I have used the name Princess Samantha Kennedy now for years and now it is legally to match up with all important documents, social security and especially drivers license. Princess Teresa Samantha Kennedy is too long to put on driver's license and most computer document entries.

8. Plaintiff's true and correct copies of these Copyrighted Certificates are attached hereto as Exhibit A.

9. Plaintiff's true and correct copy of court records of legal name changes are

7 12CV0372 WQH WMC
Amended Pleading

attached as Exhibit B

10. My son, Plaintiff Adam Clayton Ulrich, my heir, under copyright law he is entitled to money from the money made from my infringed work.

11. Sample scene comparisons between my work and biographies, unpublished, and defendant copying in Titanic are in Exhibit C. Including the Cab scene where I am in the car, the Preacher takes me to the car, we are in the cab, he is heavy and he wants his hands on a 1 year old baby me. I write he wants his hands on me, he is heavyweight, he is my foster father, I also write I was molested at age 3 by a sister, a woman named Annie and screamed and cried for two weeks. In Titanic, Jack takes 17 year old Rose to the cab, she tells him to put his HANDS on me Jack, she says she slides under him, welcoming his weight. We see her bloody handprints smeared on the glass of the cab. also included in Exhibit C are additional sample scenes to show copying.

12. Plaintiff has received medals in San Diego as honored Author. See Exhibit D. Exhibits C and D are Plaintiff's true and correct copies attached hereto. Plaintiff has over 700 pages of side by side comparisons of the two works to show copying to be presented at trial.

13. Plaintiff is informed and believes that Defendant acquired her copyrighted material in the discovery process when Defendant told her to turn over her copyrighted work, in a previous lawsuit, then they copied and bounded Plaintiff's copyrighted work. See Exhibit E

8. 12CV0372 WQH WMC
Amended Pleading

a letter from Supreme Court where Plaintiff sued them before. Plaintiff, also included in Exhibit E, tried to get attorney, see letter. And Exhibit E, Plaintiff discovered recently that Paramount Pictures used protected copyrights of Plaintiff to created Titanic. Plaintiff saw it on Cable tv and it continues to play on cable. In April, 2012, Plaintiffs went to see the new released Titanic, Tickets and passes included in Exhibit E, the first time they have ever seen Titanic in a theatre. Now they have released 2 1/2 hours of additional new never before seen of Titanic movie in Blu-Ray, Exhibit E are Plaintiff's true and correct copies and attached hereto. Defendant had access.

14. Plaintiff is currently and sole proprietor of the Subject Work included in this action. Her works are unpublished and they are protected by the copyright laws of Title 17 U.S.C. §§ 101, 102, 103, and unpublished works § 104. Plaintiff can prove she has valid copyrights, Defendant had access and copied. In order to prove a claim we need two things (1) a valid copyright (2) proof they had access. In order for Defendant to win they have to prove (1) they did not have access or opportunity to copy (2) they did not copy.

In the case Chuck Wepner v. Sylvester Stallone, filed in Newark U.S. District in 2003, the court let the case go forward after almost 30 years. According to The United States Constitution, The Bill of Rights, Amendment IV. States Private property not to be taken for public use, without just compensation. Amendment VII. Right of Trial by Jury, In suits at common law,

where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. See *Scorpio Music SA v. Victor Willis*, San Diego, U.S. District Judge Barry Ted Moskowitz dismissed a lawsuit brought by French publisher of The Village People's song that had to stop Willis from recovering the copyrights he signed over almost 35 years ago. Willis prevailed and resulting recapture of copyright to his many hit songs. The parliamentary of India made it a historic decision & hailed this decision according to Copyright Act (Amendment) Bill, 2012.

15. Plaintiffs is informed and believes that since 1997, Defendant has produced, distributed, promoted, developed, exhibited to the public and in other locations in the United States, theatres, television cable, CD and video sales domestically and internationally, sales and Plaintiff is further informed and believes and on that basis alleges, the DEFENDANT exploited Subject Work for their motion picture "TITANIC." In addition 2 1/2 additional unseen hours have been recently released on Blu Ray. 2 1/2 hours of never before seen Titanic. Furthermore, again, Plaintiffs are informed and believes that Defendant willfully used the Subject Work for the specific purposes of infringing Plaintiff's copyrights and therefore selling illegal and unauthorized use of Plaintiff's work for self and capital gain.

16. The natural, probable and foreseeable result of Defendant's wrongful and illegal conduct

has been and will continue to cause great suffering for Plaintiffs, continue to be devastating emotionally. Plaintiff has suffered emotionally as well as her health has been affected. Plaintiff is also handicapped, with the removal of the entire large intestine and part of the small intestine. Plaintiff has to use expensive medical supplies for an ostomy. The illness Plaintiff is informed is carried in The Royal Family. Any upsets, emotional suffering and duress causes illness to flare up. Plaintiff needs peaceful non-stress environment to stay healthy. Since the wrongful and illegal use of Plaintiff's Subject Work, Plaintiff suffers and her health has been affected, the result of Defendant's wrongful conduct has caused Plaintiff to become sick and the result of Defendant's wrongful and willful conduct has been and will continue to be to deprive Plaintiffs of the benefits of selling Plaintiff's Subject Work or to ever produce their own movie. DEFENDANT's wrongful and willful conduct has also deprived and will continue to deprive PLAINTIFF of opportunities that she justly deserves for herself as well as for her heir and PLAINTIFF SON, ADAM Clayton Ulrich, an Autistic Citizen.

17. Plaintiffs are informed and believes, and on that basis alleges, that unless enjoined by this Court, Defendant intends to continue its course of conduct and to wrongfully use, infringe upon, sell and otherwise profit from Plaintiff's Subject Work and works derived from it. As a direct and proximate result of the acts of the Defendant alleged above,

11, 12 CV0372 WQH WMC
amended Pleading

Plaintiffs have suffered irreparable suffering and damages from Defendant's profit of Plaintiff's Copyrighted Works and Plaintiffs will continue to suffer for the rest of their lives. Plaintiffs will continue to suffer irreparable damage until Defendant's actions above are enjoined by this Court.

First Claim For Relief
Copyright Infringement
(17 U.S.C. §§ 101 et seq.)

18. Plaintiffs realleges each and every allegation set forth in Paragraphs 1 through 17, inclusive, and incorporates them herein by this reference.

19. By its actions alleged above, Defendant has infringed and will continue to infringe Plaintiff's Copyrights in and relating to the Subject Work by producing, distributing and placing upon the market products which are of Plaintiff's copyrighted Subject Work.

20. Plaintiffs are entitled to an injunction restraining Defendant, its officers, agents and employees, and all persons acting in concert with them, from engaging in any further such acts in violation of the copyright laws.

21. Plaintiffs are further entitled to recover from Defendant the damages, including attorneys' fees, court costs it has sustained and will sustain, and any gains, profits and advantages obtained by Defendant and

their employees as a result of Defendant's acts of infringement alleged above.

At present, the amount of such damages, gains, profits and gross sales cannot be fully ascertained by Plaintiffs. Plaintiffs are informed and believe that Defendant and their employees received and obtained such gains, profits and advantages in the amount exceeding \$3 Billion Dollars. According to the Copyright Law, Plaintiffs are entitled to all GROSS Domestic and International Sales.

Prayer For Relief

Wherefore, Plaintiffs pray for judgement against the DEFENDANT as follows:

1. That the Court find that Defendant has infringed Plaintiff's copyrights in the Subject Work.

2. That the Court find a substantial likelihood that Defendant will continue to infringe Plaintiff's copyrights in the Subject Work unless enjoined from doing so.

3. That Defendant, their employees, officers, agents and all persons acting in concert with them be temporarily restrained, preliminarily enjoined during the pendency of this lawsuit and action and permanently enjoined thereafter from infringing in any manner of Princess Samantha Kennedy's Copyrighted works or Subject Works,

4. That Defendant be required to deliver to the Court for impoundment and destruction

all materials that infringe Plaintiff's copyrights in the Subject Work.

5. That Defendant, its directors and officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, be enjoined to recall from all distributors, wholesalers, jobbers, dealers, retailers, and distributors, and all others known to Defendant any originals, copies, facsimiles or duplicates of any works shown by the evidence to infringe any copyright in the subject work.

6. That Defendant pay to Plaintiffs the damages Plaintiffs have sustained as a result of Defendant's wrongful and willful conduct.

7. That Defendant pay to Plaintiffs all profits obtained by Defendant as a consequence of Defendant's wrongful and willful conduct.

8. That Defendant pay Plaintiffs' Court costs and attorneys' fees.

9. That Plaintiffs have such other and further relief as the Court deems just and proper.

10. That Defendant pay to Plaintiffs punitive damages for their intentional and willful unauthorized use and acts of Plaintiff's copyrights in the Subject Work.

11. That Plaintiffs are further entitled to recover from Defendant the gains, profits and advantages they have obtained as a result of Defendant's wrongful conduct and unauthorized use of Plaintiff's copyrights in the Subject Work, Plaintiffs are informed and believes

14. 12cv0372 WQH WMC
Amended Pleading

and on the basis of such information and belief alleges, that Defendant has obtained such gains, profits and advantages in an amount exceeding \$3 Billion Dollars.

12. That Defendant be required to file with the Court and to serve on Plaintiffs, within 30 days after service of the Court's order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the Court's Order.

13. That judgement be entered for Plaintiffs and against Defendant for Plaintiffs' actual damages according to proof, and for any profits attributable to infringements of Plaintiff's copyrights, in accordance with proof.

14. That judgement be entered for Plaintiffs and against Defendant for statutory damages based upon Defendant's acts of infringement, pursuant to the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq.

15. That Defendant be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law, according to U.S. Constitution, The Bill of Rights, Amendment IV, states Private property not to be taken for public use, without just compensation, Amendment VII, Right of Trial by Jury. In suits at common law, where the value in controversy shall exceed twenty dollars, the right

15. 12 CV 0372 WQH WMC
Amended Pleading

of trial by jury shall be preserved.

16. That again furthermore Defendant pay for all attorney fees, Court costs, all gains, profits and advantages derived by Defendant from its acts of infringement and other violations of law be deemed to be held in constructive trust for the benefit of Plaintiffs.

17. That again furthermore Plaintiffs pray that the Court grant such other, further, and different relief as the Court deems proper under the circumstances

Dated: October 26, 2012

Princess Samantha Kennedy
BY: Princess Samantha Kennedy
Adam Clayton Ulrich
Adam Clayton Ulrich
Plaintiffs Pro Se

JURY DEMAND

Plaintiffs hereby demand trial by
JURY on all issues triable to
a JURY

Dated: October 26, 2012

BY: Princess Samantha Kennedy
Princess Samantha Kennedy

Adam Clayton Ulrich
Adam Clayton Ulrich
Plaintiffs Pro Se